

**SA 2775.** Mr. WARNER (for himself, Mrs. FEINSTEIN, Mrs. SHAHEEN, Mrs. HAGAN, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 229. (a) STUDY ON CAPACITY OF THE DEPARTMENT OF VETERANS AFFAIRS TO ADDRESS COMBAT STRESS IN WOMEN VETERANS.—The Secretary of Veterans Affairs shall carry out a study to assess the capacity of the Department of Veterans Affairs to address combat stress in women veterans.

(b) ELEMENTS.—In carrying out the study, the Secretary shall consider the following:

(1) Whether women veterans are properly evaluated by the Department for post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), and other combat stress.

(2) Whether women veterans with combat stress are properly assigned disability ratings by the Department for purposes of veterans disability benefits for combat stress.

(3) Whether the staffing and training of mental health professionals in the Department is adequate to properly identify and treat post-traumatic stress disorder in women veterans.

(4) Such other matters as the Secretary considers appropriate.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the findings of the Secretary as a result of the study, together with such recommendations for legislative or administrative action as the Secretary considers appropriate in light of such findings.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committees on Appropriations and Veterans’ Affairs of the Senate; and

(B) the Committees on Appropriations and Veterans’ Affairs of the House of Representatives.

**SA 2776.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 2754 submitted by Mr. INOUE to the amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 2 of the amendment, beginning on line 8, strike “Notwithstanding” and all that follows through line 11.

**SA 2777.** Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 52, after line 21, add the following:

SEC. 229. (a) STUDY ON IMPROVEMENTS TO INFORMATION TECHNOLOGY INFRASTRUCTURE NEEDED TO FURNISH HEALTH CARE SERVICES TO VETERANS USING TELEHEALTH PLATFORMS.—The Secretary of Veterans Affairs shall carry out a study to identify the improvements to the infrastructure of the Department of Veterans Affairs that are required to furnish health care services to veterans using telehealth platforms.

(b) AVAILABILITY OF FUNDS.—The amounts appropriated or otherwise made available by this title under the headings “DEPARTMENTAL ADMINISTRATION” and “INFORMATION TECHNOLOGY SYSTEMS” shall be available to the Secretary of Veterans Affairs to carry out the study required by subsection (a).

**SA 2778.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated or otherwise made available by this Act may be used to support, prepare for, or otherwise facilitate the transfer to or the detention in any State or territory of the United States any individual who was detained as of October 1, 2009, at Naval Station, Guantanamo Bay, Cuba.

**SA 2779.** Mr. DEMINT proposed an amendment to amendment SA 2730 proposed by Mr. JOHNSON (for himself and Mrs. HUTCHISON) to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the end of title II, add the following:

SEC. 229. (a) LIMITATION ON USE OF FUNDS FOR TRANSFER OR DETENTION IN UNITED STATES OF DETAINEES AT GUANTANAMO BAY WITHOUT FULL FUNDING OF CERTAIN VETERANS PROGRAMS.—

(1) LIMITATION.—None of the funds appropriated or otherwise made available by this Act may be used to support, prepare for, or otherwise facilitate the transfer to or the detention in any State or territory of the United States of any individual who was detained as of November 1, 2009, at Naval Station Guantanamo Bay, Cuba, until 15 days after the Secretary of Veterans Affairs certifies to Congress that the programs specified in subsection (b) are fully funded for fiscal year 2010.

(2) CERTIFICATION.—The certification submitted under this subsection shall include a description of the funding available for fiscal year 2010 for each program intended to address a need of veterans specified in subsection (b).

(b) PROGRAMS.—The programs specified in this subsection are the programs of the Department of Veterans Affairs to meet needs of veterans for the following:

(1) Health care.

(2) Rehabilitation and reintegration into the community of veterans suffering from traumatic brain injury (TBI).

(3) Rehabilitation and reintegration into the community of veterans suffering from post-traumatic stress disorder (PTSD).

(4) Specially adapted housing for disabled veterans.

(5) Counseling and treatment for service-connected trauma, including trauma associated with sexual assault.

**SA 2780.** Mr. REID (for Mrs. MURRAY) proposed an amendment to the bill S. 1422, to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews; as follows:

On page 2, line 22, insert after “counting” the following “personal commute time or”.

## NOTICE OF HEARING

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, December 10, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on the role of grid-scale energy storage in meeting our energy and climate goals.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Abigail\_Campbell@energy.senate.gov.

For further information, please contact Alicia Jackson (202) 224-3607, Abigail Campbell (202) 224-1219, or Kellie Donnelly (202) 224-9360.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 10, 2009, at 10 a.m., to conduct a hearing entitled “ending veterans’ homelessness.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on November 10, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Climate Change Legislation: Considerations for Future Jobs.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 10, 2009, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "The Cost of Being Sick: H1N1 and Paid Sick Days" on November 10, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security, and Governmental Affairs be authorized to meet during the session of the Senate on November 10, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 10, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Strengthening Our Criminal Justice System: Extending the Innocence Protection Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INTELLIGENCE

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Committee on Intelligence be authorized to meet during the session of the Senate on November 10, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Madam President, I ask unanimous consent that my military fellow, Nadine Kokolus, be granted the privilege of the floor for the duration of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIRLINE FLIGHT CREW TECHNICAL  
CORRECTIONS ACT

Mr. REID. Madam President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 1422 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (S. 1422) to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

There being no objection, the Senate proceeded to consider the bill.

Mr. ENZI. Madam President, I would like to engage my friend, the Senator from Washington and the chairman of the Subcommittee on Employment and Workplace Safety, with whom I have been pleased to work on many initiatives on behalf of America's workforce, in a conversation about the bill she has just introduced. I would like to take this opportunity to clarify the treatment of workers contained in the Flight Crew Technical Corrections Act before us today that pertains to flight crews. Is it the Senator's understanding that her legislation resolves a problem unique to flight crews—meaning flight attendants and pilots—and that no other group of workers is addressed under this bill?

Mrs. MURRAY. Yes, the Senator is correct. This bill is narrowly constructed to address the unique situation faced by flight attendants and pilots in the calculation of the hours they need to qualify for leave under the Family Medical Leave Act, FMLA. I understand that the FMLA eligibility calculation does not include paid vacation, sick, medical or personal leave unless otherwise agreed to in a collective bargaining agreements or the employers manual. This bill reflects the intent of the FMLA's original sponsors to provide an alternative way to include flight crews that addresses the airline industry's unique time-keeping methods. I am proud that the Flight Crew Technical Corrections Act fixes a technical problem that has left many full-time flight crew members ineligible for family medical leave for many years due to the unique way their work hours are calculated.

Mr. ENZI. In other words, is it the Senator's understanding that the bill should not be construed to apply to other occupational groups that operate under reserve systems such as health care, railway, and emergency services to seek similar treatment?

Mrs. MURRAY. Correct, this bill narrowly deals with flight crews only. The bill is a technical correction for language that was intended to be in the original Family Medical Leave Act, but for some reason or another was left out. Flight crews were specifically mentioned in the FMLA's legislative history. Thus, I believe that the correction is clearly appropriate for flight crews. If other groups were to attempt an adjustment in their FMLA eligibility requirements, I suggest that their situation and the ramifications of such an adjustment would need to be examined on a case by case basis.

Mr. ENZI. The Senator mentioned the FMLA's legislative history. Is it the Senator's further understanding that this is the only group of employees which was intended to be included with an alternative eligibility standard?

Mrs. MURRAY. The Senator is correct. The original authors stated that they did not intend to exclude flight crews in unique circumstances from the bill's protection simply because of

the airline industry's "unusual time keeping methods." They believed that these workers—flight attendants and pilots—were entitled to family and medical leave under the law based upon the situation they specifically faced.

This legislation received overwhelming bipartisan support in the House of Representatives. I am pleased to present it in the Senate with bipartisan support. This language was drafted through a process that included representatives from large and small airline carriers and carrier associations, and organized labor. I need to recognize the work that Senator Clinton did on this bill when she introduced its precursor in the 110th Congress.

Mr. ENZI. I would like to thank the Senator from Washington and the former Senator from New York for the deliberative process they both utilized while drafting this legislation. As the Senator knows, I am a frequent advocate for following Senate committee process so as to create the opportunity for all affected stakeholders to be included in the process. In this case, the Senator has done an admirable job of vetting the legislation with most stakeholders and produced a better product.

Mr. REID. Madam President, I ask unanimous consent that a Murray amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2780) was agreed to, as follows:

(Purpose: To clarify a requirement concerning hours of service)

On page 2, line 22, insert after "counting" the following "personal commute time or".

The bill (S. 1422), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1422

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Airline Flight Crew Technical Corrections Act".

**SEC. 2. LEAVE REQUIREMENT FOR AIRLINE FLIGHT CREWS.**

(a) INCLUSION OF AIRLINE FLIGHT CREWS.—Section 101(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(2)) is amended by adding at the end the following:

"(D) AIRLINE FLIGHT CREWS.—

"(i) DETERMINATION.—For purposes of determining whether an employee who is a flight attendant or flight crewmember (as such terms are defined in regulations of the Federal Aviation Administration) meets the hours of service requirement specified in subparagraph (A)(ii), the employee will be considered to meet the requirement if—

"(I) the employee has worked or been paid for not less than 60 percent of the applicable total monthly guarantee, or the equivalent, for the previous 12-month period, for or by